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### **REMARKS/ARGUMENTS**

Claims 1-124 were pending in the application. The Examiner has indicated the allowability of claims 8, 9, 35, 36, 51, and 52 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the present amendment, claim 1 has been amended to include the limitations of claims 2, 3, and 6-8. Claims 4, 5, 9, 13, and 22 have been amended to change their dependency relative to amended claim 1. Claim 29 has been amended to include the limitations of claims 49-51. Claims 36 and 37 have been amended to change their dependency relative to amended claim 29. Claims 4, 5, 19-21, and 25 have been amended to correct typographic errors. Claims 2, 3, 6-8, 10-12, 32-35, 48-56, and 63-124 have been cancelled without prejudice.

Claims 125-139 have been added. No new matter has been added by the amendments. Applicant appreciates the Examiner's early notification of allowable subject matter.

Reconsideration and reexamination of the application is respectfully requested in view of the forgoing amendments and the following remarks.

### **Rejection Under 35 U.S.C. §102(b)**

Claims 1-7, 10, 11, 13-16, 22-26, 28-34, 37, 38, 47-50, 53, 54, 56-58, and 60-62 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,527,084 to Scherf. The rejection is respectfully traversed.

Claim 1 has been amended to include the limitations of claims 2, 3, and 6-8 in response to the Examiner's indication of allowable subject matter in claim 8. Thus, claim 1 is in condition for immediate allowance. Claims 4, 5, 9, and 13-28 depend, directly or indirectly, from amended claim 1. Thus, claims 4, 5, 9, and 13-28 are also in condition for immediate allowance.

Claim 29 has been amended to include the limitations of claims 49-51 in response to the Examiner's indication of allowable subject matter in claim 51. Thus, claim 29 is in condition for

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immediate allowance. Claims 30, 31, 37, 38, 47, 57, 58, and 60-62 depend, directly or indirectly, from amended claim 29. Thus, claims 30, 31, 37, 38, 47, 57, 58, and 60-62 are also in condition for immediate allowance.

Claims 2, 3, 6, 7, 10, 11, 32-34, 48-50, 53, 54, and 56 have been cancelled without prejudice. Thus, none of the claims remaining in the application is anticipated by Scherf '084. Applicant requests that the rejection be withdrawn, and that claims 1, 4, 5, 9, 13-28, 29, 30, 31, 37, 38, 47, 57, 58, and 60-62 be allowed.

#### **Rejection Under 35 U.S.C. §103(a)**

Claims 12, 39, 40, and 55 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Scherf '084, and claims 17-21, 27, 41-46, and 59 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Scherf '084 in view of U.S. Patent No. 6,183,038 to Hansen et al. The rejections are respectfully traversed.

Claims 12 and 55 have been cancelled without prejudice. Thus, the rejection of claims 12 and 55 is moot.

Claims 39 and 40 depend indirectly from amended claim 29, which describes subject matter that the Examiner has indicated is patentable. The additional limitations described in claims 39 and 40 do not render these claims unpatentable over Scherf '084 in view of Hansen et al. '038. Thus, claims 39 and 40 are in condition for immediate allowance.

Applicant requests that the rejection be withdrawn, and that claims 39 and 40 be allowed.

#### **New Claims 125-139**

New claim 125 describes, in pertinent part, a substrate adapted to be fixedly mounted to a support panel, and a deflectable member which is detachably positioned in a recess, and displaced relative to the substrate (and, consequently, the support panel) upon the application of an impact to the deflectable member. This structure is not disclosed in Scherf '084, or rendered

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obvious by the combination of Scherf '084 and Hansen et al. '038.

Whether the top plate 40 or one or more of the ribs 32 in Scherf '084 is considered a deflectable member, neither the top plate nor any of the ribs is displaced toward the substrate/support panel when a lateral impact is applied. As illustrated in Figure 3 of Scherf '084, when an impact occurs, the top plate 40 buckles in an upward direction; it is not displaced into a translation zone relative to the substrate/support panel. Similarly, the ribs 32 can rotate about their lower proximate ends 34 and the bar 30, but cannot be displaced into a translation zone relative to the substrate in the manner described and illustrated in the Application due to the uninterrupted connection of the ribs 32 to the bar 30.

The new claim 125 calls for a deflectable member which is mounted for movement with respect to the substrate which, in turn, is fixedly attached to the support panel. This means the deflectable member is mounted for movement with respect to both the support panel and the substrate. However, in Scherf '084, both the top plate 40 and the bar rib assembly 30, 32 are fixedly mounted to the support panel. Therefore, claim 125 is patentable over Scherf '084 because there is no deflectable member which is mounted for movement with respect to the substrate and/or support panel.

Furthermore, neither the top plate 40 nor any of the ribs 32 is detachably positioned in a recess defined by a substrate. The top plate 40 is not positioned in a recess, and the ribs 32 are not detachably positioned because they are integrally connected to the bar 30 and are not detachable from the bar. Thus, new claim 125 is not anticipated by Scherf '084, and is not unpatentable over Scherf '084 in view of Hansen et al. '038.

New claims 126-139 depend, directly or indirectly, from claim 125. Thus, claims 126-139 are not anticipated by Scherf '084, and are not unpatentable over Scherf '084 in view of Hansen et al. '038.

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fabric, and a polymeric material.

60. (Original) The armrest of claim 29 wherein the cover provides an architectural finish and is composed of a material that matches the vehicle passenger compartment.

61. (Original) The armrest of claim 29 wherein the core is composed of a foam material.

62. (Original) The armrest of claim 61 wherein the foam material is semi-rigid.

63-124 (Cancelled without prejudice)

125. (New) An armrest for a vehicle passenger compartment comprising:

a substrate adapted to be fixedly mounted to a support panel in the vehicle passenger compartment, the substrate defining a recess adjacent to the support panel and at least one retainer in register with the recess, the at least one retainer spaced inwardly from the support panel to define a translation zone between the support panel and the at least one retainer;

a deflectable member located in the recess for movement relative to the substrate, wherein the deflectable member has at least one engagement portion engaged with each of the at least one retainer on the substrate, wherein the engagement of the at least one retainer with the at least one engagement portion retains the deflectable member from moving into the translation zone, and wherein, upon receipt of a sufficiently large impact to the arm rest, the engagement of the at least one engagement portion with the at least one retainer is overcome and the deflectable member travels into the translation zone relative to the substrate;

a cover mounted over the substrate; and

a core disposed between at least a portion of the substrate and the cover to provide a tactile feel to the armrest.

126. (New) The armrest of claim 125 wherein the retainer comprises at least one shear pin on one of the substrate and the deflectable member received by at least one aperture on the other of the substrate and the deflectable member corresponding to each of the at least one shear pin on the one of the substrate and the deflectable member.

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Claims 125-139 are in condition for immediate allowance. Applicant requests that claims 125-139 be allowed.

### CONCLUSION

For the reasons discussed above, all of the claims are in condition for allowance. Early notification of allowability is requested.

If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is invited to contact the undersigned.

Respectfully submitted,

DAVID A. SCHEIDMANTEL

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By: 

Michael F. Kelly, Reg. No. 50,859  
G. Thomas Williams, Reg. No. 42,228  
McGarry Bair PC  
171 Monroe Ave., NW Suite 600  
Grand Rapids, MI 49503  
(616) 742-3500

G0158993